

No. 7704-4Lab-74/28369.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Technical Printing Press, Sonapat:—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 24 of 1974

between

SHRI BANGALI BABU AND THE MANAGEMENT OF M/S TECHNICAL PRINTING
PRESS, SONEPAT

Present:—

Shri Bangali Babu, for the workmen.

Shri Ram Avtar Gupta, for the management.

AWARD

This judgment will dispose of this and the connected reference No. 28 of 1974 between the management of M/s Technical Printing Press, Sonapat and its workmen who have arrived at an amicable settlement. The facts material for the judgment may, in short, be stated as under:

The management allegedly terminated the services of one of the workmen Shri Bangali Babu on 1st November, 1973. He gave the demand notice asking for reinstatement on 3rd November 1973 but without success. On receipt of the failure report from the Conciliation Officer, the Governor of Haryana referred the dispute for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, with the following term of reference which was registered as reference No. 24 of 1974:—

“Whether the termination of services of Shri Bangali Babu was justified and in order? If not, to what relief is he entitled?”

The management had earlier refused work to other 24 workmen on October 29, 1973 and they had raised the dispute by giving the demand notice on the same day which was also referred for adjudication to this court by the Governor of Haryana, with the following term of reference and was registered as reference No. 28 of 1974:—

“Whether the action of the management in not providing duty to the following workmen is justified and in order? If not, to what relief are they entitled:—

1. Shri Ram Dhan	Paperman	13. Shri Ram Lal	Compositor
2. Shri Laxman	Compositor	14. Shri Kamal Kumar	„
3. Shri Hukam Singh	Foreman	15. Shri Shiv Raj	Machineman
4. Shri Sat Pal	Compositor	16. Shri Madan Mohan	„
5. Shri Rohtash	„	17. Shri Preetam Singh	Inkman
6. Shri Suraj Pal	„	18. Shri Sumar Singh	„
7. Shri Gobind	„	19. Shri Jokhu Singh	Paperman
8. Shri Jage Ram	„	20. Shri Jai Singh	Inkman
9. Shri Ved Parkash	„	21. Shri Raj Singh	Paperman
10. Shri Suraj Mal	„	22. Shri Amar Singh	„
11. Shri Daulat Ram	„	23. Shri Vijai Kumar	„
12. Shri Kewal Krishan	„	24. Shri Gokal Chand	Compositor

The parties have arrived at an amicable settlement in both the cases as per terms and conditions given in the memorandum of settlement, dated 30th June, 1974, Exhibit M. 1. Statement of Shri Ram Avtar Gupta, Partner and Shri Bangali Babu, one of the workmen concerned as well as the General Secretary of the General workers Union, Sonapat, which had given the demand notice leading to reference No. 28 of 1974 have been recorded.

The factory has since been closed with effect from 10th January, 1974 and there has ever since been no business. It has not yet been started. The workman had approached the management for the settlement of their accounts and they have been paid their dues, in full and final settlement, of their entire claims against the management including the right of reinstatement or re-employment the question of which otherwise does not arise on account of the closure of the business. There were 25 workmen in the factory 4 of whom namely, S/Shri Jage Ram, Ram Lal, Madan Mohan, and Pritam Singh had joined service only a day before the dispute was raised and had therefore, no claim to make out against the management. The remaining 21 workmen have signed the memorandum of settlement Exhibit, M. 1, in the presence of Shri Bangali Babu, General Secretary of the Union and Shri Kanwal Singh, Labour Officer-Cum-Conciliation Officer, Sonapat, who has attested the same. Shri Bangali Babu has also signed the memorandum of settlement.

In view of the above, there is now no dispute left between the management and the workman concerned and a no dispute award is given as desired by them in both the cases. There shall, however, be no order as to costs.

Dated the 9th August, 1974.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. T/15, dated 20th August, 1974.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 7702-4Lab-74/28371.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer Labour, Court, Rohtak in respect of the dispute between the workmen and the management of M/s Municipal Committee, Safidon:—

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 33 of 1973

between

SHRI KHARATI LAL AND THE MANAGEMENT OF MUNICIPAL COMMITTEE, SAFIDON

Present:—

Shri Kharati Lal, workman.
Shri Surinder Kausnal, for the management.

AWARD

Shri Kharati Lal, workman concerned, was in the service of the Municipal Committee at Safidon as Tax Moharrir. His services were terminated,—vide order, dated 15th July, 1972, on the basis of his resignation dated 15th May, 1972. He raised a demand for reinstatement on the brief ground that the said resignation had since been withdrawn by him on 2nd June, 1972, no action could be taken on it. The respondent Committee did not accept his demand. This gave rise to an industrial dispute.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred the above dispute for adjudication to this court,—vide order No. ID/KNL/145-B-72/15625—29 dated 3rd May, 1973, with the following term of reference:—

“Whether the termination of services of Shri Kharati Lal was justified and in order? If not, to what relief is he entitled?”

The parties put in their respective pleadings and also brought on record the relevant documents. The workman reiterated his claim for reinstatement and payment of back wages on the above ground which had been raised by him earlier also through the demand notice dated 18th October, 1972. The respondent Committee contested his claim pleading *inter alia* that it being a case of resignation was not covered by the provisions of section 2-A of the Industrial Disputes Act, 1947 and, secondly, that the demand, the subject-matter of the reference, had not first been raised on the management and rejected by it and as such no industrial dispute existed between the parties which could validly be referred for adjudication to this court.

The pleadings of the parties gave rise to the following three issues in the case.

1. Whether the dispute, the subject matter of the present reference is not an industrial dispute for reasons given in para 4 of the written statement ?
2. Whether the termination of services of Shri Kharati Lal was justified and in order ? If not, to what relief is he entitled ?
3. Whether the case of Shri Kharati Lal is not covered under section 2-A of the Industrial Disputes Act and, therefore, the present reference is bad in law ?

Statements of the parties have been recorded who have proved the relevant documents namely the resignation, dated 15th May, 1972, Exhibit W. 1, letter of withdrawal of the resignation, dated 2nd June, 1972, Exhibit W. 2, order of the respondent Committee dated 15th July, 1972 accepting the resignation Exhibit W. 3, the demand notice dated 18th October, 1972, given by the workman himself Exhibit W. 4.

The case has been argued on both sides and I have given a very careful consideration to the material on record.

The learned representative of the respondent Committee has laid much stress on the fact that the service of the workman concerned having come to an end on the basis of his resignation dated 15th May, 1972, his case is not covered by section 2-A of the Industrial Disputes Act, 1947 under which the demand notice leading to the present reference was given by him as, from the plain reading of the section itself, it would be clear that it deals with only cases of discharge, dismissal, retrenchment or termination of the services of an individual workman and not cases of resignation. There being no averment what to speak of evidence that the demand of the present workman had been espoused by the other workmen or any Union of the workmen, it did not constitute an industrial dispute within the meaning of the law. The contention, I am afraid, is without an substance on the facts on record which are more or less admitted. The law is well settled on the point. A workman is at liberty to withdraw his resignation at any time before it is accepted by the employer, as is the case here. Shri Kharati Lal, workman concerned, had no doubt submitted his resignation on 15th May, 1972 but he had admittedly withdrawn the same,—*vide* his letter dated 2nd June, 1972, before it was accepted by the respondent Committee on 15th July, 1972. In the circumstances, the so called resignation of the workman was not in existence and it was no resignation in the eye of law when it was accepted on 15th July, 1972. It can not, therefore, be said that the impugned action of the termination of his services is the result of his resignation. It has come in the statement of the Secretary of the Municipal Committee and some documents have also been placed on record to show that there were some charges of mis-conduct against this workman but admittedly his services were not terminated as a result of any findings of the enquiry against him. The order, dated 15th July, 1972, Exhibit W. 3 speaks for itself. It refers only to the resignation of the workman and not to any allegations of mis-conduct against him or of any findings of enquiry into those allegations. The contention raised on behalf of the respondent Committee thus falls to the ground.

It has next been argued that the demand was not first raised on the management and rejected by it. This is also incorrect. The demand notice, dated 18th October, 1972 Exhibit W. 4 is addressed to the management, the respondent Committee. A perusal of this demand notice would reveal that the workman had given another demand notice earlier on 1st September, 1972, asking for reinstatement by ignoring the illegal termination of his services.

That disposes of the preliminary issues Nos. 1 and 3 which, for the reasons aforesaid, are decided in favour of the workman and against the respondent Committee and it is held that the demand, the subject-matter of the present reference does constitute an industrial dispute as defined under section 2(j) of the Industrial Disputes Act, 1947 and the case of the present workman is fully covered by the provisions of section 2-A of the Act.

ISSUE No. 2]

In view of my above findings, there is not much to discuss with regard to the first part of findings the issue No. 2 regarding the termination of the services of the workman concerned which, on the face of it is not justified and in order. The so called resignation having since been withdrawn by him before it was accepted no action could legally be taken on the basis of this resignation. The learned representative of the respondent Committee has not been able to show me anything to the contrary. The issue is, therefore, decided in favour of the workman and against the respondent Committee and it is held that he is entitled to reinstatement with continuity of previous service.

The question that next arises for consideration is with regard to the entitlement of the workman to the wages for the intervening period for which on his own showing his claim is not well founded. He has admitted that after his services had been dispensed with by the respondent Committee he had started selling goods as a Hawker and thereafter he had been undergoing training in a shop for the sale of ready made garments. According to the statement of the Secretary of the Municipal Committee he has, in fact, been running that shop for the sale of ready made garments and other merchandise ever since his resignation had been accepted on 15th July, 1972. There is apparently no reason to disbelieve the sworn testimony of the Secretary of the Municipal Committee on the point who in the discharge of his duties as such has to make round of the city and is expected to know the true state of affairs, Safidon, being after all a small place. There are no allegations of malafides against him or the respondent Committee. I am, therefore, of the considered view that the present workman has been gainfully employed ever since his resignation was accepted by the respondent Committee, though illegally, and, therefore, he is not entitled to back wages for the intervening period. Issue No. 2 is accordingly held.

In the result, Shri Kharati Lal workman concerned is entitled to reinstatement with continuity of his previous service but without any back wages. The award is made accordingly. There shall be no order as to costs.

Dated the 6th August, 1974.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. T/16, dated the 20th August, 1974.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 7700-4Lab-74/28373.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Springs & Stampings Incorporated, NIT, Faridabad:—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK.

Reference No. 113 of 1972

between

SHRI RAM RATTAN AND THE MANAGEMENT OF M/S SPRINGS AND STAMPINGS
INCORPORATED, N. I. T., FARIDABAD.

Present:

Shri A. R. Handa, for the management.
Nemo for the workman.

AWARD

Shri Ram Rattan workman concerned was in the service of M/s Springs and Stampings Incorporated, N. I. T., Faridabad. The management allegedly terminated his services with effect from 27th September, 1971, without any rhyme or reason. He demanded reinstatement but without success.

On receipt of the failure report from the conciliation Officer, the Governor of Haryana referred the dispute for adjudication to this court,—vide order No. ID/FD/359-D-71/11214-18, dated 31st March, 1972, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947, with the following term of reference:—

“Whether the termination of services of Shri Ram Rattan was justified and in order? If not, to what relief is he entitled?”

Usual notices were given to the parties. The workman concerned is not coming forward to pursue his claim. The demand notice which forms part of this reference was given by him care of Shri Bhim Singh Yadav, 1-A/90, N.I.T., Faridabad. He has stated that he has no instructions from the workman to proceed with the case nor was the said demand notice given through him. The management on the other hand, has pleaded that, as a matter of fact, this workman had submitted his resignation which was duly accepted.

Statement of Shri A. R. Handa authorised representative of the management has been recorded. He has proved the original resignation, dated 8th July, 1972, Exhibit M.1, letter of acceptance of the resignation dated 9th July, 1972 bearing the signatures of the workman in token of receipt of the same Exhibit M. 2. Another letter Exhibit M. 3 was written to him by the authorised representative of the management under the signatures of the manager after the reference of the dispute stating the above facts and Exhibit M. 4 is the A.D. receipt. No reply has been received from him by the management nor has he addressed any communication denying the above facts to this court.

In view of the above, I do not find any reason to disbelieve the plea of resignation of the workman raised on behalf of the management which was duly accepted and his dues were also paid to him as stated in the case. There was thus no industrial dispute between the parties which could validly be referred for adjudication and as such the workman concerned Shri Ram Rattan is not entitled to any relief in the case by way of reinstatement or payment of any dues. The award is made accordingly, but without any order as to costs.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Dated the 21st August, 1974.

No. T/18, dated the 22nd August, 1974

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 7695-4Lab-74/28375.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workman and the management of M/s The Pearl Cycle Industries Ltd, Ballabgarh :—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 139 of 1972

between

SHRI RAM PHIRAN, WORKMAN AND THE MANAGEMENT OF M/S THE PEARL CYCLES
INDUSTRIES LTD, PALI ROAD, BALLABGARH

Present :—

Shri Roshan Lal Sharma for the workman.

Shri D. C. Bhardwaj for the management.

AWARD

The following dispute between the management of M/s The Pearl Cycle Industries Ltd., Pali Road, Ballabgarh and its workman Shri Ram Phiran was referred for adjudication to this court by order No. AD/FD/46-B-72/11917, dated 10th April, 1972 of the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

"Whether the termination of services of Shri Ram Phiran was justified and in order? If not, to what relief is he entitled?"

The parties put in their pleadings. The management contended that the factory had since been closed and this workman who had put in service for 9 months or so had received his full dues. This was denied by the workman. The following issues arose for the determination of the case.

(1) What is the date of the closure of the factory and what is its effect? (on management)

- (2) Whether the termination of services of Shri Ram Phiran was justified and in order? If not, to what relief is he entitled?

The authorised representatives of the parties have made their statements. According to the statement made on behalf of the management the factory has been lying closed for the last 1½ years and the present workman had received his full dues at the time of closure of the factory. It has further been stated that if and when the factory is re-started this workman would be re-employed on the same terms and conditions as before and due notice will be given to him. This offer has been accepted on behalf of the workman concerned, as stated by his authorised representative Shri Roshan Lal Sharma.

In view of the above, the issues are decided against the workman and it is held that he is not entitled to any relief at present by way of re-employment or payment of back dues. He would, however, have the prior right of re-employment if and when the factory is re-started and notice shall be issued to him in his this behalf by the management. The award is made accordingly. There shall be no order as to costs.

Dated the 19th August, 1974.

O.P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. T/19, dated the 22nd August, 1974

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O.P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 3rd/4th September, 1974

No. 7699-4Lab-74/28377.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Faridabad Metal Closure Company, Faridabad:—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 131 of 1972

between

SHRI MAHABIR SINGH WORKMAN AND THE MANAGEMENT OF M/S FARIDABAD
METAL CLOSURE COMPANY, 22-B, INDUSTRIAL TOWNSHIP, FARIDABAD

Present—

Shri Adarsh Kishore, for the workman.
Shri D.C. Bhardwaj, for the management.

AWARD

The following dispute between the management of M/s Faridabad Metal Closure Company, 22-B, Industrial Township, Faridabad and its workman, Shri Mahabir Singh was referred for adjudication to this Court by order No. ID/FD/722-B-71/11382-86, dated 3rd April, 1971 of the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of the Section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Mahabir Singh was justified and in order? If not, to what relief is he entitled?

The parties put in their pleadings. The management contested the claim of the workman on the ground that he was only a probationer. The following issues arose for the determination of the case:—

- (1) Whether Shri Mahabir Singh concerned workman was only a probationer? If so, with what effect?

- (2) If issue No. 1 is not proved, whether the termination of services of Shri Mahabir Singh justified and in order? If not, to what relief is he entitled?

It is, however, not necessary to go into the above issues as the management had pleaded full and final settlement of the dues of the present workman,—vide receipt Exhibit M-1, on account of the closure of the factory since about 1½ years. According to the statement made by Shri D. C. Bhardwaj authorised representative of the management the factory has not been re-started and the receipt Exhibit M-1 is signed by the workman concerned. Shri Adarsh Kishore authorised representative of the workman has deposed that he has no instruction from him to refute the above plea of the management.

A no dispute award is, therefore, given in the case due to the closure of the factory and receipt of the dues by the workman, in full and final settlement of his entire claim against the management. In the circumstances, there shall be no order as to costs.

Dated 19th August, 1974

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. T/20, dated 22nd August, 1974.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana
Rohtak.

The 3rd September, 1974

No. 7814-4Lab-74/28381.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Hyderabad Asbestos Products Ltd., Ballabgarh:—

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 92 of 1973

between

SHRI NARINDER KUMAR SHARMA WORKMAN AND THE MANAGEMENT M/S
HYDERABAD ASBESTOS PRODUCTS, LTD., BALLABGARH

Present:—

Nemo for the workman.

Shri S. N. Bhandari and Shri O.P. Sethi for the management.

AWARD

Shri Narinder Kumar Sharma was in the service of M/s Hyderabad Asbestos Products Ltd., Ballabgarh. The management allegedly refused him work on his return from sick leave for 12th September, 1972. He raised a protest and demanded duty but without success. This gave rise to an industrial dispute. The matter was taken up for conciliation which also ended in failure.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the dispute for adjudication to this Tribunal,—vide order No. ID/FD/73/17862, dated 29th May, 1973 with the following terms of reference:—

Whether the termination of services of Shri Narinder Kumar Sharma was justified and in order? If not, to what relief is entitled?

The parties were called upon to file their pleadings. The management contested the claim of the workman mainly on the ground that it was in fact, a case of automatic termination of the services of the workman who had absented himself from duty without any proper authorisation and as such no industrial dispute existed between the parties which could validly be referred for adjudication. It was further urged that the statement of claim had not been signed by the workman himself who had given the demand notice leading to the reference.

From the pleadings of the parties the following issues arose for determination in the case.

- (1) Whether the present reference is bad in law for preliminary objections given in para Nos. 1 and 2 of the written statement of the management (on management)
- (2) Whether this is a case of automatic termination of the services of the workman concerned on account of his unauthorised absent from duty in terms of order 26(e) of the Standing Orders of the company ? (on management).
- (3) What is the effect of the statement of claim having not been signed by the workman himself ? (on parties).
- (4) Whether the termination of services of Shri Narinder Kumar Sharma was justified and in order ? If not, to what relief is he entitled ?

The management has examined two witnesses, namely, Shri V. N. Dhawan, Time Office Incharge M.W. 1 and Shri O.P. Sethi Labour Officer M.W. 2. Reliance has further been placed upon documentary evidence consisting of a copy of the certified standing orders of the company Exhibit M-1, original attendance card of the workman Exhibit M-2, copies of the relevant entries in the attendance register and leave registers Exhibit M-3, M-4, M-5, and M-6.

According to the statement on oath of M.W. 1 Shri V. N. Dhawan Time office Incharge Shri Narinder Kumar Sharma workman concerned had submitted an application on 4th September, 1972 asking for leave for 3rd September, 1972 and another leave application was received from him on 7th September, 1972 praying for leave for 6th September, 1972. Since the leave applied for both these days was not due the same was refused. He, however, did not report for duty even after 6th September, 1972 nor did he send any other intimation or application to the management. He was marked absent till 22nd of September, 1972 on which date his name was struck off the rolls as per the standing orders of the company.

Shri O. P. Sethi Labour Officer has deposed that the management had not terminated the services of this workman which, in fact, stood automatically terminated on account of his absence from duty without proper authorisation. According to him this entire case had been placed before the Conciliation Officer by the management and the workman had not produced any A.D. receipt or certificate of posting or any other document in token of having sent leave application for 12th and 13th September, 1972 as has been the case made out by him in the demand notice.

The workman concerned has not appeared in the present proceedings on any date of hearing fixed in the case nor has led any evidence to refute the above contention raised on behalf of the management. On the last date even his authorised representative was not present and it was reported that he had gone to Moscow. However, one Shri B.M. Gupta an office bearer of the union, who did not hold any power of attorney to represent the present workman, who had given the demand notice under section 3-A under his own signatures, had pressed for an adjournment and under-taken to produce evidence in case Shri Darshan Singh did not return from Moscow. Shri Gupta has also elected not to appear and lead any evidence. However, an application for future adjournment which purports to have been signed by him has been filed by some other worker. In the circumstances of the case discussed above, I did not find any reasonable ground to adjourn the case further. Arguments of the learned representative of the management have been heard and I have given a very careful consideration to the material on record.

As already pointed out, the main ground on which the claim of the workman has been contested by the management is that he had absented himself from duty without any proper authorisation and as such it was clearly a case of automatic termination of his service, as per the Standing Orders 26(e) of the company, resulting into the loss of lien on the appointment held by him. The contention which has been sustained by documentary evidence discussed above has force. According to the averment made in the demand notice leading to the present reference Shri Narinder Kumar workman concerned was on medical leave on 12th September, 1972 and on his return from leave he was refused work by the management. No leave application or medical certificate of the said date has been filed in the case. In the attendance register, as per entry Exhibit M-3 he has been marked absent from 12th September, 1972 to 22nd September 1972. In the attendance card Exhibit M-2 also he has not been marked present from 12th September, 1972 onwards and there is an entry that his name had been struck off with effect from 23rd September, 1972. An A.D. receipt marked 'A' has been filed in the case which was put to Shri O. P. Sethi M.W. 2 in cross examination but he has not been able to identify the initials of the official on this receipt. Otherwise also this receipt does not in any way advance the claim of the workman because it has come in the evidence

of M.W.1 that his leave applications for 3rd September, 1972 and 6th September, 1972 were received on 4th September, 1972 and 7th September, 1972 respectively but since the leave was not due, the same was refused. The submission of the leave applications for 3rd September, 1972 and 6th September, 1972 could not be sufficient to justify the absence of the workman from duty from 12th September, 1972 onwards which was without the proper authorisation, as already discussed. The relevant clause 26(e) of the Standing Orders (copy Exhibit M-1) is quite clear on the point. It provides as under :—

26(e) A workman who absents himself without leave for more than seven consecutive working days will be deemed to have left the service of the company without notice thereby abandoning his employment, and in such a case the employment will automatically be terminated and his name shall be struck off the rolls of the Company without any further reference to him.

That disposes off the main issue No. 2 involved in the case and in view of the facts discussed and for the reasons aforesaid, the contention raised on behalf of the management that it is a case of automatic termination of the services if the workman concerned must prevail especially when the workman has not come forward even to make his own statement what to speak of leading any other evidence in support of his claim.

There is not much to discuss with regard to the remaining issues in the case. The replication to the written statement of the management is signed by Shri Narinder Kumar Sharma workman concerned. The preliminary objection of the management covered by issue No. 3 has, therefore, no force. The issue is accordingly decided against the management.

In view of my above finding on the main issue No. 2 involved in the case, issue No. 4 does not call for discussions for the simple and obvious reasons that it being a case of automatic termination of the services of the workman due to his unauthorised absence from duty, as per the Standing Orders of the company by which he is governed, the question of the management having terminated his services, with or without any reasonable ground, does not arise. His absence from duty without the permission or the authority of the management clearly resulted into the loss of the lien on his appointment and this was not due to any act on the part of the management but on account of his own conduct. The workman having himself elected not to attend to his duty and his services having automatically stood terminated after the expiry of the prescribed period of unauthorised absence from duty according to the standing orders of the company, no industrial dispute existed between the parties which could validly be referred for adjudication to this Tribunal. Issue No. 1 and 4 are accordingly decided against the workman and in favour of the management.

So, on the facts established in the case and on my above findings on issues involved, the workman concerned is not entitled to any relief by way of reinstatement or payment of back dues. The award is accordingly made but without any order as to costs.

The 16th August, 1974

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 55, dated 19th August, 1974.

Forwarded (four copies) to the Secretary to Government, Haryana Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

Dated 16th August, 1974.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

S.N. BHANOT,
Commissioner for Labour and Employment, and
Secretary to Government, Haryana.

राजस्व विभाग
युद्ध जागीर

दिनांक 2/3 सितम्बर, 1974

क्रमांक 1866-ज(I)-74/29162.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है तथा उसमें आज तक संशोधन किया गया है), की धारा 2 (ए) (1ए) तथा 3 (1ए) के अनुसार सीपे गये

अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल निम्नलिखित व्यक्तियों को वार्षिक कीमत वाली युद्ध जागीर उनके सामने दी गई फसल तथा राशि एवं सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं:—

क्रमांक	जिला	जागीर पाने वाले का नाम	गांव व पता	तहसील	फसल/वर्ष जब से जागीर दी गई]	वार्षिक राशि
1	2	3	4	5	6	7
						₹०
1	भिवानी	श्री अमी लाल, पुत्र श्री अर्जन	गांव दयारका	चरखी दादरी	रबी, 1966 से रबी, 1970 तक खरीफ, 1970 से	100 150
2	,,	श्री अमर सिंह, पुत्र श्री बला सिंह	गांव चांग	भिवानी	खरीफ, 1965 से रबी, 1970 तक खरीफ, 1970 से	100 150
3	,,	श्री बेग राज, पुत्र श्री हेत राम	दिनांद	,,	रबी, 1973 से	150

दिनांक 2/3 सितम्बर, 1974

क्रमांक 1889-ज(I)-74/29166.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है तथा उस में आज तक संशोधन किया गया है) की धारा 2(ए) (1) तथा 3(1) के अनुसार सीपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल श्री पडसी राम, पुत्र श्री भीम सिंह, गांव दगडोली, तहसील चरखीदादरी, जिला भिवानी को रबी 1973 से 150 रुपये वार्षिक कीमत वाली युद्ध जागीर, सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं।

कारीजण्डम

दिनांक 2/4 सितम्बर, 1974

क्रमांक 1878-ज(I)-74/29078.—हरियाणा सरकार, राजस्व विभाग की युद्ध जागीर अधिसूचना क्रमांक 1655-ज(I)-73/23757, दिनांक 3 अगस्त, 1973 जो कि हरियाणा सरकार के दिनांक 4 अगस्त, 1973 के राजपत्र में प्रकाशित हुई थी, की पाँचवीं लाइन में शब्द “राजवन्ती” की जगह “लाजवन्ती” पढ़ा जाए।

दिनांक 4 सितम्बर, 1974

क्रमांक 3507-ज(I)-74/29354.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है तथा उस में आज तक संशोधन किया गया है) की धारा 2(ए)(1ए) तथा 3(1ए) के अनुसार सीपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल, श्री अमर सिंह चोहान, पुत्र श्री मनबर सिंह, गांव चरखी, तहसील चरखी दादरी, जिला भिवानी को खरीफ 1965 से रबी, 1970 तक 100 रुपये तथा खरीफ 1970 से 150 रुपये वार्षिक कीमत वाली युद्ध जागीर, सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं।

कारीजण्डम

क्रमांक 1842-ज(I)-74/29359.—हरियाणा सरकार, राजस्व विभाग की युद्ध जागीर अधिसूचना क्रमांक 606-ज(I)-74/20508, दिनांक 25 जून, 1974 जो कि हरियाणा सरकार के दिनांक 2 जुलाई, 1974 के राजपत्र में प्रकाशित हुई है, में क्रमांक 9 के आगे “फसल/वर्ष जब से जागीर दी गई” के कालम में “रबी 1970 से” की बजाये “रबी 1973 से” पढ़ा जाए।